

Remarks

The forgoing amendment has been made after a careful review of the present application, the references of record, and the Office Action dated October 12, 2005. In the Office Action, claims 1 through 5 were allowed and claims 6 and 7 were rejected under 35 USC 102 (b) as being anticipated by Maclean.

In the forgoing amendment, the applicant has amended claim 6 to clarify that the line has a first and second end, the second end suitable for grasping with the user's hand and the length of the line extending through the loop with the second end connected to the first member. This structure is best seen in Figs. 2, 4, and 6 in which the line 42 extends through a loop 36 connected to the strap 34 around the user's ankle and the second end of the line is connected to strap 30 which extends around the toes of a user's foot. As explained at length in the specification, pulling on the first end of the line stretches the plantar fascia. Claim 7 has been amended to clarify that the spacer has a first end attached to the first member and a second end attached to the second member for fixing the spacing of the first member with respect to the second member. The spacer bears indicia number 72 and has one end connected to a third strap 34 and a second end connected to a second strap 30 as also shown in Figs. 2, 4, and 6. The structure of the spacer 72 is discussed on page 6 line 19 through page 7 line 2 of the specification. New claim 8 has been added that is dependent on claim 6. New claim 8 recites that the first member includes a plate. The plate bears

indicia number 44, is best shown in Fig. 6 and is discussed on page 6 lines 4 to 6 of the specification.

The applicant hereby traverses the rejection of amended claims 6 and 7 as being anticipated by Maclean. The Maclean reference shows a leg exercise device, as opposed to a device for exercising the plantar fascia of a user's foot as required by claim 6. The Maclean device includes a belt 22 that extends around a user's waist and straps 32 around the user's knees and straps 36 around the user's ankle. A foot strap 98 extends from the ankle strap 36 around the bottom of the user's foot. A cord 40 connects the belt to the straps 32, 36 and is configured to require the user to exercise the muscles of his leg to stretch the cord 40 as he straightens his knee. The strap around the bottom portion of the user's foot is to prevent movement of the strap 36 as the cord 40 stretches. The device of Maclean does not stretch or exercise the plantar fascia as required by amended claim 6.

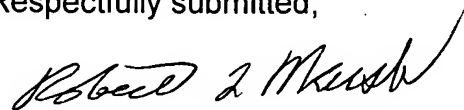
Maclean also fails to disclose a first member positionable under the toes of said foot as required by claim 6. The strap 98 that extends from the ankle strap 36 is configured to wrap around the instep of the user's foot and not the toes. To reach the toes, strap 98 of Maclean would have to attach to the portion of the strap 36 that is nearest the toes rather than the portion of the strap over the sides of the ankle. Furthermore, Maclean does not disclose a line, one end of which is suitable for grasping by a user's hand and the other end extending through a loop on the ankle member with the second end connected to a member positionable under the toes of the foot. If the strap 98 is the "first

member positionable under the toes of said foot" then there is no line connecting to the first member. The line 40 of Maclean attaches to rings 114, 116 on the ankle strap 36 and not to the strap 98 that extends under the foot. Also, pulling the first end of the line will not draw the user's toes towards his ankle and stretch the plantar fascia as required by amended claim 6. The applicant submits that it is clear that amended claim 6 defines over the Maclean reference and is allowable.

Claim 7 and new claim 8 are allowable for the same reasons as claim 6, but these claims both recite structure not found in the Maclean reference. The spacer recited in claim 6 connects to the first and second members, and there is clearly no spacer between the ankle band 36 and the strap 98 extending under the foot as disclosed by Maclean. Similarly, claim 8 recites that the first member includes a rigid plate for fitting under the user's toes, and a similar structure is not disclosed in Maclean. Accordingly, the applicant submits that claims 6 through 8 are all allowable over the Maclean reference.

In view of the forgoing, the applicant requests that the present application be reconsidered and allowed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Marsh", with a stylized flourish at the end.

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